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*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

RAYMOND BALL, an individual, and JOSEPH  
TOTH, an individual,

Plaintiffs,

v.

MATTHEW CARSON, an individual,  
WILLIAM CARSON, an individual,  
TERRANCE THURBER, an individual,  
THOMAS THURBER, an individual, DG  
ROLLINS MINING, LLC, a Wyoming limited  
liability company, COLUMBIA GORGE DATA  
CENTER, LLC, a Nevada limited liability  
company, WHC & SWC INVESTMENTS, LTD,  
a Texas limited partnership, INTELLIGENT  
INVESTMENTS, LLC, a Texas limited liability  
company, and SNICKERS #1, LLC, a Texas  
limited liability company,

Defendants.

Case No. 3:19-cv-00242-HZ

**Declaration of Counsel in Support of  
Plaintiff's Motion to Extend Discovery  
Deadlines**

I, AMBER A. BEYER, declare under penalty of perjury as follows:

1. I am one of the attorneys for the Plaintiffs in this case. I make this  
declaration based on my personal knowledge, and I am competent to testify to the matters  
stated herein.

2. This is the first request for an extension of the discovery and pretrial deadlines. Trial is currently set to commence November 17, 2020.

3. Each of the LR 16-3 factors support this motion to extend discovery deadlines. Plaintiffs do not anticipate significant deposition testimony but do believe a short deposition or two may be required to clarify the record in this case, which is presently average in volume but detailed and full of idiosyncrasies in need of context thanks to the nonstandard and somewhat eccentric nature of the Bitcoin business and transactions underlying this dispute. Due to the national state of emergency related to the COVID-19 pandemic, it would be impracticable, if not impossible, to conduct depositions within the current discovery timeline.

4. Additionally, after the court entered the scheduling order in this case, the parties attempted to settle by exchanging a series of detailed writings and engaging a several equally detailed settlement discussions between roughly September and December 2019, but were, unfortunately, unable to reach an agreement.

5. Thereafter plaintiffs' lead trial counsel, Damon Semmens, became immersed in preparing for a complex, multi-day civil jury trial that occurred over the course of five days from January 27 to 31, 2020, in Denver, Colorado.

6. Shortly after this trial, plaintiffs resumed their investigation by gathering and reviewing third-party materials to identify gaps in the record and serving a detailed set of document requests on February 14, 2020. Plaintiffs then developed a detailed list of interrogatories and requests for admission and served them on March 13, 2020. Plaintiffs have further engaged in extensive analysis of various Bitcoin transactions associated with the facts described in the Complaint.

7. The additional discovery requested in this matter will not disturb the current trial date, which is not set to commence until November 17, 2020, and thus will not substantially disturb the Court's pretrial schedule, disrupt the parties' interest in a

speedy resolution or impair their ability to prepare for trial.

8. Good cause exists to extend discovery deadlines 60 days to permit plaintiffs to complete depositions and receive defendants' responses to the discovery requests. The proposed extension will not impact other existing deadlines, settings, or schedules. This motion is presented in good faith and not for reasons of delay.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

DATED: March 19, 2020

*s/ Amber A. Beyer*

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Amber A. Beyer

### **CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing **Declaration of Counsel in Support of Plaintiff's Motion to Extend Discovery Deadlines** on the date indicated below by:

- ☐ mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- ☐ hand delivery,
- ☐ facsimile transmission,
- ☐ overnight delivery,
- ☒ electronic filing notification.

If served by facsimile transmission, attached to this certificate is the printed confirmation of receipt of the documents generated by the transmitting machine. I further certify that said copy was placed in a sealed envelope delivered as indicated above and addressed to said attorneys at the addresses listed below:

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Robert B. Miller  
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Terrence Thurber, Thomas Thurber,  
DG Rollins Mining, LLC and  
Columbia Gorge Data Center, LLC

DATED: March 19, 2020

*s/ Amber A. Beyer*  
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Amber A. Beyer